

Notice of Allowability

Application No.

09/989,910

Examiner

Longbit Chai

Applicant(s)

LEVINE ET AL.

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview on 12/18/2006.
2. ☒ The allowed claim(s) is/are 36.51, 54-59 and 61-87.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/30/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12/18/2006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony P. Onello Jr. (Reg. No: 38,572) on 12/18/2006.

This application has been amended as follows:

IN THE CLAIMS

Cancel claims 1 – 35, 37 – 50, 52 – 53 and 60 without prejudice.

Replace claim 36, 51, 54 and 61 as follows.

Claim 36: The method of claim [[7]] 54 wherein the unique identifying value is used to create a system unique encryption key.

Claim 51: The method of claim [[49]] 54 wherein the analysis tool is executed at the second system.

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Claim 54: A method for preventing unauthorized use of digital content data to be transferred from a first system to a second system comprising:

locating an original archive of a digital content data at the first system;

determining transaction data of the second system that identifies the second system by executing an analysis tool to examine components of the second system and to generate a unique identifying value in response to a request for the transfer of the digital content data from the first system to the second system, the unique identifying value identifying the second system and being based on selected properties of the examined components, the transaction data comprising the unique identifying value;

providing the transaction data to the first system;

modifying the original archive using the transaction data of the second system that identifies the second system to generate a modified archive;

[[and]]

transferring the modified archive from the first system to the second system; and

receiving the transferred archive at the second system and recovering the digital content data of the original archive at the second system using the transaction data of the second system if the second system is a valid recipient.

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Claim 61: The method of claim [[60]] 54 wherein the transaction data of the second system is used to generate a system unique encryption key and wherein modifying the original archive comprises encrypting the original archive using the system unique encryption key to generate the modified archive.

Allowable Subject Matter

Claims 36, 51, 54 – 59 and 61 – 87 are allowed.

The following is an examiner's statement of reasons for allowance:

The above mentioned claims are allowable over prior arts because the CPA (Cited Prior Art) of record fails to teach or render obvious the claimed limitations in combination with the specific added limitations, as recited in independent claim 54 and subsequent dependent claims.

The CPAs fails to teach or suggest a method for preventing unauthorized use of digital content data to be transferred from a first system to a second system from first locating an original archive of a digital content data at the first system; determining transaction data of the second system that identifies the second system by executing an analysis tool to examine components of the second system and to generate a unique identifying value in response to a request for the transfer of the digital content data from the first system to the second system, the unique identifying value identifying the second system and

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being based on selected properties of the examined components, the transaction data including the unique identifying value; providing the transaction data to the first system; modifying the original archive using the transaction data of the second system that identifies the second system to generate a modified archive; transferring the modified archive from the first system to the second system; and receiving the transferred archive at the second system and recovering the digital content data of the original archive at the second system using the transaction data of the second system if the second system is a valid recipient.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LBC

Longbit Chai
Examiner
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AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100